

**A RESOLUTION
BY CITY UTILITIES COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT AGREEMENT NO. 1 FOR THE CONSTRUCTED WETLANDS PROJECT COST SHARE AGREEMENT LOCATED IN MCDANIEL BRANCH WITH THE UNITED STATES ARMY CORPS OF ENGINEERS (“USACE”) TO INCLUDE AN ADDITIONAL PROPERTY LOCATED ON LAND LOT LAND LOT F0073 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA PARCEL NUMBER 14F-0073-LL-074-9 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA, PARCEL NUMBER 14F-0073-LL-074-9 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER FY12 5051 (WATER & WASTEWATER REVENUE) FUND 5212001 (CONSULTING / PROFESSIONAL SERVICES) 170602 DWM GREENWAY PLANNING & ACQUISITION) 7410000 (PLANNING & ZONING); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta’s (“City”) Department of Watershed Management Watershed Improvement Project is a Stormwater Best Management Practice (“BMP”) that was identified in the McDaniel Branch Watershed Improvement Plan (WIP) as a second phase to a stream restoration project; and

WHEREAS, the stream restoration component of the project has been approved for funding by EPA under section 319(h); and

WHEREAS, the Stormwater BMP provide water quality treatment for up to 197 acres of upland development and stormwater control and would significantly enhance the benefits of the stream restoration component of the project; and

WHEREAS, the City did enter into a cost sharing agreement with the United States Army Corps of Engineers (“USACE”) to fund a constructed wetlands project on a City owned Greenway property located on the McDaniel Branch and to provide the USACE with an appraisal of the property to obtain real estate credits for the total cost of the property pursuant to Resolution 10R0236; and

WHEREAS, the Department of Watershed Management determined that additional property is needed in order to design the wetlands with adequate capacity to provide the intended stormwater management and water quality improvement ; and

WHEREAS, the additional property is located on Land Lot F0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14f-0073-LL-074-9 (“Property”); and

WHEREAS, the additional cost to acquire the Property is approximately One Hundred Thousand Dollars (\$100,000.00) which shall be paid in its entirety by the City.

WHEREAS, the Commissioner of the Department of Watershed Management and the Chief Procurement Officer recommends entering into Amendment Agreement No. 1 for the purpose of authorizing additional cost associated with the acquisition of Land Lot F0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14f-0073-LL-074-9 with the United States Army Corps of Engineers to fund a constructed wetlands project on a City owned Greenway property in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) .

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor is authorized to enter into Amendment Agreement No. 1 with the United States Army Corps of Engineers (“USACE”) for the Constructed Wetlands Project Cost Share Agreement located in McDaniel Branch to include an additional property located on Land Lot F0073 of the 14th (FF) District, Fulton County Georgia, Parcel number 14F-0073-LL-074-9 in an amount not to exceed One Hundred Thousand Dollars and No Cents (\$100,000.00).

BE IT FURTHER RESOLVED, that all contracted work will be charged to and paid from Fund Department Account And Organization Number 5051 (Water & Wastewater Revenue) Fund 5212001 (Consulting / Professional Services) 170602 DWM Greenway Planning & Acquisition) 7410000 (Planning & Zoning).

BE IT FURTHER RESOLVED, that the funding of the Agreement shall be subject to and expressly contingent upon the City’s adoption and approval of the FY 2012 budget and the appropriation of sufficient funds to the associated funding sources.

BE IT FINALLY RESOLVED, that the Agreement will not become binding on the City and the City will incur no obligation nor liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to the USACE.

WHEREAS, the Commissioner of the Department of Watershed Management recommends entering into Amendment Agreement No. 1 for the purpose of authorizing additional cost associated with the acquisition of Land Lot F0073 of the 14TH (FF) District, Fulton County Georgia Parcel number 14f-0073-LL-074-9 with the United States Army Corps of Engineers to fund a constructed wetlands project on a City owned Greenway property in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) .

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Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

Caption: A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT AGREEMENT NO. 1 FOR THE CONSTRUCTED WETLANDS PROJECT COST SHARE AGREEMENT LOCATED IN MCDANIEL BRANCH WITH THE UNITED STATES ARMY CORPS OF ENGINEERS ("USACE") TO INCLUDE AN ADDITIONAL PROPERTY LOCATED ON LAND LOT LAND LOT F0073 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA, PARCEL NUMBER 14F-0073-LL-074-9 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA, PARCEL NUMBER 14F-0073-LL-074-9 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER FY12 5051 (WATER & WASTEWATER REVENUE) FUND 5212001 (CONSULTING / PROFESSIONAL SERVICES) 170602 DWM GREENWAY PLANNING & ACQUISITION) 7410000 (PLANNING & ZONING); AND FOR OTHER PURPOSES.

Council Meeting Date: December 6, 2010

Requesting Dept.: Watershed Management

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

Example: The purpose of this legislation is to anticipate funds from a local assistance grant to purchase child safety seats.

The purpose of this legislation is to authorize the Mayor to purchase a real estate property from The Conservation Fund for the purpose of implementing a watershed improvement project (constructed wetlands) in the McDaniel Branch Subwatershed. The property is located on Bowen Circle Parcel # 14 - 0073- LL-074-9.

2. Please provide background information regarding this legislation.

Example: The task force of homelessness conducted a study regarding homelessness, its impact and consequences on the City. This resolution reflects the Mayor's desire to open a twenty-four hour center that will respond to the needs of the homelessness in Atlanta.

During the preliminary design for this previously approved project, it was determined that additional land is needed in order to design the wetlands with adequate capacity to provide the intended stormwater management and water quality improvement. In addition, the purchase of this parcel will serve the implementation of the South River sewer relocation project, managed by Bureau of Engineering, which is scheduled for construction during the same period.

The Watershed Improvement Project is a Stormwater Best Management Practice (Constructed Wetlands) that was identified, in the McDaniel Branch Watershed Improvement Plan (WIP), as a second phase to a stream restoration project. The stream restoration component of the project has been approved for funding

by EPA under section 319(h) and scheduled for construction during fall 2011. Currently, several outfalls flow to McDaniel Branch throughout the subject property and the adjacent Greenway property and have caused scour along the channel. The Stormwater BMPs would provide water quality treatment for up to 197 acres of upland development and stormwater control and would significantly enhance the benefits of the stream restoration component of the project.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Professional Services
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A
- (d) **Invitations Issued:** N/A
- (e) **Number of Bids:** N/A
- (f) **Proposals Received:** N/A
- (g) **Bidders/Proponents:** N/A
- (h) **Term of Contract:** N/A

4. Fund Account Center (Ex. Name and number): Fund: 5051 (Water and Wastewater Revenue Fund), Account: 5212001 (Consulting/Professional Services), Center: 170602 (DWM Greenway Planning and Acquisition), Function Activity: 7410000 (Planning and Zoning)

5. Source of Funds: *Example: Local Assistance Grant*

6. Fiscal Impact: This legislation will result in a reduction in the amount of \$100,000.00 from FY12 to Fund: 5051 (Water and Wastewater Revenue Fund), Account: 5212001 (Consulting/Professional Services), Center: 170602 (DWM Greenway Planning and Acquisition), Function Activity: 7410000 (Planning and Zoning)

Example: This legislation will result in a reduction in the amount of _____ to Fund Account Center Number _____.

7. Method of Cost Recovery:

Examples:

- a. Revenues generated from the permits required under this legislation will be used to fund the personnel needed to carry out the permitting process.***
- b. Money obtained from a local assistance grant will be used to cover the costs of this Summer Food Program.***

This Legislative Request Form Was Prepared By: Seham Abdulahad

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: Chief of Staff

Dept.'s Legislative Liaison: _____ Maisha L. Wood _____

Contact Number: _____ (404) 330-6887 _____

Originating Department: _____ Department of Watershed Management _____

Committee(s) of Purview: _____ City Utilities _____

Chief of Staff Deadline: _____ November 16, 2010 _____

Anticipated Committee Meeting Date(s): _____ November 30, 2010 _____

Anticipated Full Council Date: _____ December 6, 2010 _____

Legislative Counsel's Signature: _____

Commissioner Signature: _____

Chief Procurement Officer Signature: _____ n/a _____

CAPTION

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN AMENDMENT AGREEMENT NO. 1 FOR THE CONSTRUCTED WETLANDS PROJECT COST SHARE AGREEMENT LOCATED IN MCDANIEL BRANCH WITH THE UNITED STATES ARMY CORPS OF ENGINEERS ("USACE") TO INCLUDE AN ADDITIONAL PROPERTY LOCATED ON LAND LOT LAND LOT F0073 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA PARCEL NUMBER 14F-0073-LL-074-9 OF THE 14TH (FF) DISTRICT, FULTON COUNTY GEORGIA, PARCEL NUMBER 14F-0073-LL-074-9 IN AN AMOUNT NOT TO EXCEED ONE HUNDRED THOUSAND DOLLARS AND NO CENTS (\$100,000.00); ALL CONTRACTED WORK WILL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ACCOUNT AND ORGANIZATION NUMBER FY12 5051 (WATER & WASTEWATER REVENUE) FUND 5212001 (CONSULTING / PROFESSIONAL SERVICES) 170602 DWM GREENWAY PLANNING & ACQUISITION) 7410000 (PLANNING & ZONING); AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): \$100,000.00

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 11.16.10 Reviewed by: KJP/OCOS
(date) (date)

Submitted to Council: _____ (date)